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21 UNITED STATES DISTRICT COURT  
 22 NORTHERN DISTRICT OF CALIFORNIA  
 23 OAKLAND DIVISION

24 ORACLE USA, INC., *et al.*,

25 v.  
 26 Plaintiffs,

SAP AG, et al.,

27 Defendants.

28 Case No. 07-CV-1658 PJH (EDL)

**STIPULATION AND [PROPOSED]  
 ORDER TO EXTEND TEMPORARY  
 STAY OF EXECUTION OF  
 JUDGMENT**

1 SAP AG, SAP America, Inc., and TomorrowNow, Inc. (“Defendants”) and Oracle USA,  
2 Inc., Oracle International Corporation, and Siebel Systems, Inc. (“Plaintiffs,” and together with  
3 Defendants, the “Parties”) jointly submit this Stipulation and [Proposed] Order to extend the  
4 temporary stay of execution of judgment.

5 WHEREAS, the Court entered final judgment in the above-captioned matter on February  
6 3, 2011 (ECF No. 1036);

7 WHEREAS, Rule 62(a) of the Federal Rules of Civil Procedure provides that “no  
8 execution may issue on a judgment, nor may proceedings be taken to enforce it, until 14 days  
9 have passed after its entry,” Fed. R. Civ. P. 62(a);

10 WHEREAS, at the Parties’ request, the Court granted a temporary stay of execution of  
11 final judgment for 21 days after entry of judgment, which will expire on February 24, 2011;

12 WHEREAS, the Parties continue to negotiate an appropriate security for the judgment;

13 WHEREAS, the Parties agree to further extend the temporary stay of execution for an  
14 additional 14 days;

15 NOW, THEREFORE, IT IS HEREBY STIPULATED by the Parties, through their  
16 respective counsel of record, that execution of judgment shall be stayed until March 10, 2011.

17 **IT IS SO STIPULATED.**

18 Dated: February 11, 2011

JONES DAY

20 By: /s/ Tharan Gregory Lanier  
21 Tharan Gregory Lanier

22 Counsel for Defendants  
23 SAP AG, SAP AMERICA, INC., and  
TOMORROWNOW, INC.

24 In accordance with General Order No. 45, Rule X, the above signatory attests that  
25 concurrence in the filing of this document has been obtained from the signatory below.

26  
27  
28

1 Dated: February 11, 2011

Bingham McCutchen LLP

2  
3 By: \_\_\_\_\_ /s/ Geoffrey M. Howard

4 Geoffrey M. Howard  
5 Attorneys for Plaintiffs  
6 Oracle USA, Inc., Oracle International  
7 Corporation, and Siebel Systems, Inc.

8 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

9  
10 DATED: 2/14/11

